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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,060	11/29/2001	John Andrew Timmins	06007/37957	7967
7590	12/19/2003			
Marshall Gerstein & Borun 233 South Wacker Drive 6300 Scars Tower Chicago, IL 60606-6357			EXAMINER HOPKINS, ROBERT A	
			ART UNIT 1724	PAPER NUMBER

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/980,060	TIMMINS ET AL.	
	Examiner Robert A Hopkins	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,7 and 9-12 is/are rejected.
- 7) Claim(s) 2-6,8 and 13-15 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-11,1-17.
- 4) Interview Summary (PTO-413) Paper No(s). _____ .
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,7,9-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by German reference(9004019.8).

German reference teaches an apparatus for separating from a liquid mixture, first and second liquid components, wherein the first liquid component has a greater density than the second liquid component, the apparatus including a vessel(1) having an inlet(3) through which the mixture is introduced into the vessel, and an outlet(4) through which separated first liquid is in use discharged, and there being a separating member within the vessel, the mixture being constrained to contact the separating member, the separating member including a material(8) which adsorbs the second liquid component characterized in that the separating member is adapted to move in the vessel downwardly in response to an increase in the weight thereof as second liquid component is adsorbed(see page 5 second paragraph of translation). German reference further teaches wherein the inlet is positioned at a height between a top and bottom of the vessel generally at a level at which a lower part of the separating member is located prior to any second liquid being adsorbed thereby. German reference further teaches wherein the separating member is adapted to float in the vessel at a level

determined by the volume of second liquid adsorbed. German reference further teaches support means(11) provided to support the separating member in the vessel. German reference further teaches that the adsorbing material of the separating member is oleophilic such that the separating material is active to adsorb from a liquid mixture of oil and water, oil.

Claim 12 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by German reference(9004019.8).

German reference teaches a method of separating from a liquid mixture, first and second liquid components, wherein the first liquid component has a greater density than the second liquid component, the method including introducing into a vessel through an inlet thereof the mixture, constraining the mixture to contact a separating member in the vessel, which member includes a material which adsorbs the second liquid component, and discharging from the vessel through an outlet thereof separated first liquid component, characterized in that the separating member is adapted to move in the vessel downwardly in response to an increase in the weight thereof as second liquid component is adsorbed thereby, and mixture is introduced into the vessel until the separating member has moved to a low position in the vessel.

Allowable Subject Matter

Claims 2-6,8, and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 2 recites "characterized in that the inlet is positioned above the outlet". German reference discloses an inlet(3), however the inlet is positioned at the same level as the outlet. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide an inlet positioned above the outlet because German reference does not suggest such a modification. Claims 3 and 4 depend on claim 2 and hence would also be allowable upon incorporation of claim 2 into claim 1.

Claim 5 recites "characterized in that the outlet of the vessel is connected to an upwardly extending chamber which itself has an outlet for the first liquid component". German reference fails to disclose an outlet of the vessel connected to an upwardly extending chamber which itself has an outlet for the first liquid component. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide an outlet of the vessel connected to an upwardly extending chamber which itself has an outlet for the first liquid component because German reference does not suggest such a modification. Claim 6 depends on claim 5 and hence would also be allowable upon incorporation of claim 5 into claim 1.

Claim 8 recites "characterized in that the separating member includes a float to increase the buoyancy of the member so that prior to the adsorbing material of the separating member adsorbing second liquid component, the separating member floats so that a lower part thereof is at desired height in the vessel". German reference fails to discloses wherein the separating member includes a float to increase the buoyancy of the member. It would not have been obvious to someone of ordinary skill in the art at

the time of the invention to provide a float to increase the buoyancy of the member because German reference does not suggest such a modification.

Claim 13 recites "characterized in that the method includes filtering any entrained matter and residual second liquid component from the separated first liquid subsequent to contacting the mixture with the adsorbing material of the separating member".

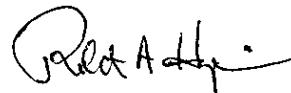
German reference fails to disclose a step of filtering subsequent to the adsorbing step. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a step of filtering subsequent to the adsorbing step because German reference does not suggest such a modification. Claim 14 depends on claim 13 and hence would also be allowable upon incorporation of claim 13 into claim 12.

Claim 15 recites "characterized in that the liquid level in the vessel is controlled by the level of an outlet from an upwardly extending chamber which is connected to the vessel outlet". German reference fails to disclose an upwardly extending chamber connected to the vessel outlet. It would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a liquid level in the vessel which is controlled by the level of an outlet from an upwardly extending chamber which is connected to the vessel outlet because Garman reference does not suggest such a modification.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert A Hopkins whose telephone number is 571-272-1159. The examiner can normally be reached on Monday-Friday 9:00am-4:00pm, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 571-272-1156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0987.



Robert A Hopkins
Primary Examiner
Art Unit 1724

Rah
December 17, 2003